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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,567	05/11/2001	Junichiro Sakata	7217/64552	6317

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COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,567

Applicant(s)

SAKATA, JUNICHIRO

Examiner

Daniel R. Sellers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(4).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 31-65 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Katinsky.
3. Regarding amended claim 31, Katinsky teaches multiple playlists that are arranged in a continuous order (Col. 5, lines 35-54), and Katinsky teaches the switching means (Col. 5, lines 40-41).
4. Regarding claim 32, Katinsky teaches the feature of placing media items at the end of the playlist, wherein it is inherent that the playback is terminated (Col. 8, lines 15-16).
5. Regarding claim 33, Katinsky teaches the display of a name in a playlist (Fig. 4, item 44).
6. Regarding claim 34, Katinsky teaches media that is audio (Col. 3, lines 50-52).
7. Regarding amended claim 35, Katinsky teaches an indicator for indicating a currently playing piece of content, wherein the display also shows an arranged sequence for playback (Col. 5, lines 12-27). Katinsky teaches displaying these items in a predetermined area (Figs. 1 and 4, unit 14). They also teach switching means, see the preceding argument with respect to claim 31.
8. Regarding claim 36, see the preceding argument with respect to claim 32.
9. Regarding claim 37, see the preceding argument with respect to claim 33.

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10. Regarding amended claim 38, see the preceding argument with respect to claims 31 and 32. Katinsky teaches a playback apparatus with multiple playlists. It is inherent in the teachings of Katinsky that the beginning of a first song in a subsequent playlist follows the termination of the last song in a first playlist (Col. 5, lines 49-52).

11. Regarding amended claim 39, the further limitation of claim 38, see Katinsky, they have means for displaying a first and second playlist wherein they are arranged in a playback order. They teach the playback and stopping elements (Fig. 7, items 100 and 102), and they teach a plurality of display means for displaying any one of the other playlists (Fig. 6C, item 72).

12. Regarding claim 40, the further limitation of claim 39, see Katinsky

... wherein the display showing the content whose playback has been terminated is placed at the end of said corresponding arrangement. (Col. 8, lines 15-16)

Katinsky teaches the feature of placing content at the end of an arrangement after it has been terminated.

13. Regarding amended claim 41, the further limitation of claim 38, see the preceding argument with respect to claims 38 and 35. Katinsky teaches display forming means (Fig. 1, unit 16), continuous display means (Fig. 1, unit 14 and Fig 6B), and distinguishing playback means with these features (Col. 5, lines 12-14, Col. 13, lines 55-63, and Fig. 15, steps 1540 and 1544).

14. Regarding claim 42, the further limitation of claim 41, see the preceding argument with respect to claim 40. Katinsky teaches this feature.

15. Regarding claim 43, the further limitation of claim 38, see Katinsky

... wherein the content is audio data and the playback results of the continuous contents are mixed and output. (Col. 5, lines 49-52 and lines 17-27)

Katinsky does teaches that multiple playlists can be played and that select pieces of content can be chosen within each playlist, wherein the content is inherently mixed by a user selecting content within the multiple playlists.

16. Regarding amended claim 44, see the preceding argument with respect to claim

31. Katinsky teaches these features of the method.

17. Regarding claim 45, the further limitation of claim 44, see the preceding argument with respect to claim 32. Katinsky teaches an equivalent feature.

18. Regarding claim 46, the further limitation of claim 44, see the preceding argument with respect to claim 33. Katinsky teaches this feature.

19. Regarding claim 47, the further limitation of claim 44, see the preceding argument with respect to claim 34. Katinsky teaches audio content.

20. Regarding amended claim 48, see the preceding argument with respect to claim 35. Katinsky teaches these features.

21. Regarding claim 49, the further limitation of claim 48, see the preceding argument with respect to claim 32. Katinsky teaches an equivalent feature.

22. Regarding claim 50, the further limitation of claim 48, see the preceding argument with respect to claim 33. Katinsky teaches this feature.

23. Regarding amended claim 51, see the preceding argument with respect to claim 38. Katinsky teaches these features.

24. Regarding amended claim 52, the further limitation of claim 51, see the preceding argument with respect to claim 41. Katinsky teaches these features.

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25. Regarding claim 53, the further limitation of claim 52, see the preceding argument with respect to claim 40. Katinsky teaches these features.

26. Regarding amended claim 54, the further limitation of claim 51, see the preceding argument with respect to claim 41. Katinsky teaches these features.

27. Regarding claim 55, the further limitation of claim 54, see the preceding argument with respect to claim 40. Katinsky teaches these features.

28. Regarding claim 56, the further limitation of claim 51, see the preceding argument with respect to claim 43. Katinsky teaches these features.

29. Regarding amended claim 57, see the preceding argument with respect to claim 31. Katinsky teaches a computer readable medium with these features.

30. Regarding claim 58, the further limitation of claim 57, see the preceding argument with respect to claim 32. Katinsky teaches an equivalent feature.

31. Regarding amended claim 59, see the preceding argument with respect to claim 35. Katinsky teaches a computer readable medium with these features.

32. Regarding claim 60, the further limitation of claim 59, see the preceding argument with respect to claim 32. Katinsky teaches an equivalent feature.

33. Regarding amended claim 61, see the preceding argument with respect to claim 38. Katinsky teaches a computer readable medium with these features.

34. Regarding amended claim 62, the further limitation of claim 61, see the preceding argument with respect to claim 41. Katinsky teaches these features.

35. Regarding claim 63, the further limitation of claim 62, see the preceding argument with respect to claim 40. Katinsky teaches these features.

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36. Regarding amended claim 64, the further limitation of claim 61, see the preceding argument with respect to claim 41. Katinsky teaches these features.

37. Regarding claim 65, the further limitation of claim 64, see the preceding argument with respect to claim 40. Katinsky teaches these features.

Response to Arguments

38. Applicant's arguments filed July, 29 2005 have been fully considered but they are not persuasive. The rejection of claims 38-43, 51-56, and 61-65 is maintained.

39. Applicant's arguments with respect to claims 31-37, 44-50, and 57-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS


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